

### **REMARKS**

This Amendment is in response to a Final Office Action mailed September 20, 2005 and an Advisory Action mailed December 12, 2005. In the Final Office Action, claims 2-9 and 11-28 were rejected under 35 U.S.C. §103(a). Applicants cancelled claims 15-19, and believe that independent claims 3, 9, 20 and 25 are allowable because a *prima facie* case of obviousness has not been established. Reconsideration in light of the remarks made herein is respectfully requested.

#### ***Request for Examiner's Interview***

The Examiner is respectfully requested to contact the undersigned by telephone at the phone number listed below if after review, such claims are still not in condition for allowance. This telephone conference would greatly facilitate the examination of the present application. Moreover, in order to facilitate prosecution of the subject application, Applicant respectfully requests the Examiner to specifically identify what items set forth in the prior art references allegedly constitute claimed elements. The undersigned attorney can be reached at the telephone number listed below.

#### ***Rejection Under 35 U.S.C. § 103***

In the Office Action, claims 2-7, 9 and 12-13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Davis (U.S. Patent No. 5,819,939) in view of Menezes ("Handbook of Applied Cryptography") and Levy (U.S. Patent No. 6,212,633). Applicant respectfully traverses the rejection and contends that the Examiner has not met the burden of establishing a *prima facie* case of obviousness.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success.

Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP §2143. At a minimum, Applicant respectfully contends that the combination of Davis, Menezes and Levy does not teach or suggest all of the claim limitations set forth in the above-listed claims.

The Advisory Action states Davis does not disclose that the session key is generated by combining a long term value and a short term value. *See Page 1 of the Advisory Action*. Instead, it is now alleged that Menezes provides the teaching of the session key, which is a pseudorandom permutation of a random value ( $r_B$ ) generated by a second device (B), using a long-term symmetric key ( $K'$ ) produced by the first device (A). Applicant respectfully submits that this interpretation is not consistent with embodiments of the claimed invention set forth in independent claims 3 and 9 where the data (long term value) and the short term value are generated by the first device.

Hence, Applicant respectfully submits that a *prima facie* case of obviousness has not been established and respectfully requests withdrawal of the §103(a) rejection as applied to independent claims 3 and 9 and those claims dependent thereon.

#### B. CLAIMS 8 AND 14

In the Office Action, claims 8 and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Davis in view of Menezes and Levy. Applicant respectfully traverses the rejection and contends that the Examiner has not met the burden of establishing a *prima facie* case of obviousness. However, based on the dependency of claims 8 and 15 on independent claims 1 and 9, believed by Applicant to be in condition for allowance, no further discussion as to the grounds for traverse is warranted. Applicant reserves the right to present such arguments if an Appeal is warranted. Withdrawal of the §103(a) rejection as applied to claims 8 and 14 is respectfully requested.

C. CLAIM 11

In the Office Action, claim 11 was rejected under 35 U.S.C. §103(a) as being unpatentable over Davis in view of Menezes, Levy and Burns. Applicant respectfully traverses the rejection because a *prima facie* case of obviousness has not been established for this claim. However, based on the dependency of claim 11 on independent claim 9, believed by Applicant to be in condition for allowance, no further discussion as to the grounds for traverse is warranted. Applicant reserves the right to present such arguments if an Appeal is warranted. Withdrawal of the §103(a) rejection as applied to claim 11 is respectfully requested.

D. CLAIMS 15-19

Claims 15-19 have been cancelled without prejudice. While Applicant believes that a *prima facie* case of obviousness has not been established for these claims, further discussion of these claims is not warranted at this time. Withdrawal of the §103(a) rejections as applied to independent claim 15 and dependent claims 16-19 is respectfully requested.

E. CLAIMS 20-28

Claims 20-28 have been rejected under 35 U.S.C. §103(a) as being unpatentable over the primary reference (Davis - U.S. Patent No. 5,819,939) in view of at least one secondary reference (Menezes -Handbook of Applied Cryptography). Applicant respectfully traverses the rejection based on the arguments set forth above in Section (A) regarding the allowability of independent claims 1 and 9. Withdrawal of the §103(a) rejections as applied to independent claims 20 & 25 and those claims dependent thereon is respectfully requested.

**Conclusion**

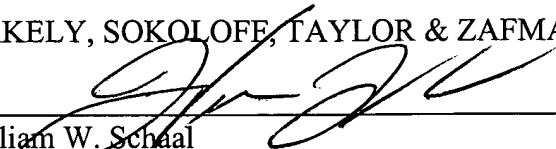
Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: December 20, 2005

By

  
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Susan McFarlane

December 20, 2005

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